



PANHANDLE HEALTH DISTRICT

Healthy People in Healthy Communities

DISTRICT 1 BOARD OF HEALTH MEETING 8500 N. ATLAS ROAD, HAYDEN, IDAHO 83835 September 27, 2007 Minutes

8500 N. ATLAS ROAD
HAYDEN, IDAHO 83835
<http://www2.state.id.us/phd1>

Members Present: Marlow Thompson, Chairman Chris Beck, Vice Chairman
Allen Banks, Ph.D. Walt Kirby
Dale VanStone

Members Absent: Sharon Connors Richard McLandress, M.D.

Staff Present: Jeanne Bock Jim Fenton Dale Peck
Tanya Chesnut Mashelle Kenney Cynthia Taggart
Mary DeTienne Lora Whalen

Guests: Jerry Mason, Attorney Kent Chadwell, Architect's West
Jim Deffenbaugh, PAC

Chairman Thompson called the Board of Health meeting to order at 1:00 p.m.

Chairman Thompson thanked Mr. Beck for chairing the August 30, 2007, Board of Health meeting.

Review of Minutes—September 27, 2007, Board of Health Meeting— Marlow Thompson

Chairman Thompson asked if there were any corrections or changes to the minutes of the August 30, 2007, Board of Health meeting.

MOTION: Mr. Kirby moved to approve the minutes of the August 30, 2007, Board of Health meeting as submitted; seconded by Mr. VanStone. All in favor; passed unanimously. Minutes approved as submitted.

Negotiated Rule Making Process Update – Dale Peck

We are continuing the NRM process. Evening public meetings were held on September 18, 2007, in Sandpoint and September 19, 2007, in Hayden. Most of the attendees were supportive of the rule change.

The Conference of District Directors (CODD) voted to task Environmental Health directors in all seven public health districts to review and develop an issue paper on wastewater flows. District 4 is undertaking the evaluation of 200 homes for flows and will provide data as soon as it is available.

Mr. Peck met with two realtor groups and briefed them on the prior rule changes and the proposal for the new rules. The realtors seemed positive. Mr. Peck hopes to receive an endorsement from the Coeur d'Alene Association of Realtors for the rule change.

The October 10 and 11 hearing notices were published in the five newspapers of record. Mr. VanStone asked if the Board should attend the public hearings. Ms. Bock stated that all board members are welcome to attend. A Press Release is being sent out tomorrow asking for written comment. Mr. Peck will tape record the testimony and provide a transcript to the board.

FY 08 Fiscal Report – Jim Fenton

▪ June 30, 2007 Fiscal Year End Budget to Actual

- The cash balance decreased at the fiscal year end by \$254,000.
- Revenues at the end of the fiscal year were about \$80,000 less than expected.
- The personnel budget was under budget by about 2%.
- Operating expenses were 5% under budget.
- Capital expenditures had a 37% positive variance because funds were expected to be spent on starting construction of the St. Maries building.

▪ FY08, Month Ending August 31, 2007

- Cash balance was \$4,017,648, which includes \$604,000, set aside for the building fund.
- Revenue weakness from the last two months will be managed.
- Personnel costs through August were 4% under budget to balance out the revenue.

Ms. Bock complimented the Division Directors in watching personnel costs and being resourceful and only filling vacant positions when absolutely necessary, especially in light of the revenue disparity.

Lake Haven Variance Request, Margot Stanfield – Jeanne Bock

Chairman Thompson stated that this request has already gone before the hearing officer, Dale Peck, and received recommendation. The Board needs to approve the findings or refer back to the Hearing Officer for further findings.

Dr. Banks asked if the residents are living in the trailer. Ms. Bock said that they live in it in the summer. The Hearing Officer states that the claim is not colorable and they can only exceed by 10% under the vested rights policy (not 200% as they requested.)

Mr. VanStone asked if there are any other options for the applicant? Mr. Mason stated that there is a policy in place regarding mobile home parks, even though the assessor records do not indicate that it is a mobile home park. Mr. Peck explained that they could replace the existing mobile home with a park model of current size and not exceed the 10% expansion. The other option they have is to band together as an association or individually acquire easement property for an acceptable drainfield.

Mr. Mason stated that this request for variance does not meet the variance criteria. It is a site size issue and in direct conflict with the vested rights rule.

Dr. Banks pointed out that the same number of people would occupy this home and during the last Board of Health meeting, the legislators asked for consideration to the number of people occupying a home versus space being occupied. Chairman Thompson inquired about the number of bedrooms in the old unit vs. the proposed one. Mr. Peck did not see any indication of the number of bedrooms in the old unit, but the proposed unit has three bedrooms.

Mr. Mason reminded the Board that if they reject the findings, they would need to make a finding that it truly is a variance request based on the variance criteria.

Mr. Beck inquired about the letter submitted by the applicant indicating that other mobile homes in the area were replaced and the rules were not enforced. Mr. Peck stated that the current rules were not in effect, therefore, there was no enforcement. The old rules allowed replacement of bedroom for bedroom. The new rule is not bedroom for bedroom, but based on square footage.

Chairman Thompson explained to the Board that it is the determination of the Hearing Officer's report that the application fails to set forth a colorable claim for a variance hearing.

MOTION: Mr. VanStone moved to accept the findings and recommendation of the Hearing Officer in the report submitted by the Hearing Officer on the Margot Stanfield, Lake Haven, request for variance; seconded by Mr. Beck. All in favor; passed unanimously. Motion carried.

MOTION: Mr. Beck moved to task the Environmental Health staff to work with this group of homeowners to come up with an improvement to their systems and provide additional alternative systems for septic treatment and disposal; seconded by Mr. Kirby. All in favor; passed unanimously. Motion carried.

Mr. Peck stated that there are a number of similar cases in this area, which have been given the same answers, and there is an association in place. Staff has been dealing with these cases, and it will require joint efforts with the property owners. These homeowners may have to consider an easement since it is lakefront property.

Mr. Beck stated that there are lots of situations like this causing water degradation because of subsurface systems, and the current way we approach this is to say that they can be brought up to current standards. It's difficult for many locations to do that, but we can make them better and as a Board, we should consider that as an option to help make these systems better--maybe a policy change that would allow PHD to make the situations better. Mr. Peck will research the situation.

Dr. Banks stated that there are several people out there that know they have failing systems, but don't want to upgrade because they will be told to upgrade to state standards. Mr. Peck clarified that it only has to meet the best-fit system if they are not seeking to expand. Mr. Beck suggested that PHD get the message out that system replacements only have to meet best fit for upgrade. Ms. Bock will work with EH to get information out regarding upgrading systems.

Director's Report – Jeanne Bock

- **DEQ MOU Approval for Signature**

MOTION: Mr. Kirby moved to authorize Ms. Bock to sign the DEQ MOU as presented; seconded by Dr. Banks. All in favor; passed unanimously. Motion carried.

- **MOUs on Record and Approval to Sign as Needed for Renewal**

Ms. Bock provided the Board with a list of the existing MOUs that have already been signed and is requesting authorization to update all MOUs as they expire.

MOTION: Mr. VanStone moved to authorize the director to sign MOU renewals as needed; seconded by Mr. Beck. All in favor; passed unanimously. Motion carried.

Ms. Bock will bring all new MOUs to the Board for review and authorization to sign.

- **Change of November and December Board of Health Meetings**

The Board agreed that the November and December board meetings will be combined and rescheduled to December 6. The Legislative Update will be scheduled during that Board meeting as well.

- **Accomplishments**

Ms. Bock provided a report to the Board listing her accomplishments as director. Ms. Bock suggested the Board form a contract negotiation committee to discuss renewal of her contract. Chairman Thompson and Mr. Kirby will meet to negotiate Ms. Bock's contract.

St. Maries Project Update – Jeanne Bock

Ms. Bock reported that the bid opening was on September 19. All bidders were confirmed valid and the apparent low bidder was T.W. Clark, from Spokane, for a base bid of \$1,995,000. Mr. Chadwell verified that all the subcontractor licenses were valid.

Mr. Fenton distributed the financing sheets that indicate the estimated cost to build the building, including the add-on of the generator, \$2,026,000. With \$604,000 in building fund and the sale of the Leuty building, PHD is still looking at a loan of \$1,500,000, which includes an estimate for change orders, fees, etc.

Jim Deffenbaugh, representing Panhandle Area Council (PAC), explained that there have been some recent changes in PAC financing and the current ruling by the IRS states that PAC can only loan on bona fide units of government. The description of a “unit of government” includes the three elements that qualify an agency as a unit of government: policing agencies, taxing agencies and agencies with imminent domain. The county (Benewah) can pass a resolution to allow PAC to finance the project if the facility will be used for public purpose, then, enter into a lease with PHD. PAC can only convey the ownership of the property to the county, who would then turn it back to PHD, if they choose to. Mr. Deffenbaugh did speak with the Benewah County Commissioners and they are willing to go that route, however, PHD cannot attach anything to the property that states that the county will revert the property to PHD.

Another option would be to borrow the money from the Idaho Health Facilities Authority (IHFA), however, the Frazier Supreme Court ruling may not allow health districts to borrow money from that source.

Mr. Kirby suggested the Board request that Mr. Mason research further and accept the bid of the low bidder and use the cash on hand to get the project started. If the Board accepts the bid, then the Board will authorize Ms. Bock to work with Mr. Chadwell on the contract.

Mr. Fenton cautioned the Board on using PHD’s cash reserves for the project because it would leave the account with only 1.5 months of cash reserves, which is needed for cash flow. Mr. Fenton recommends IHFA before severely depleting the cash reserves. Mr. Mason will research this issue and suggests that the Board table the issue for one week and have a teleconference one week from today.

MOTION: Mr. VanStone moved to accept the low bid of TW Clark contingent upon appropriate funding arrangements to be determined no later than one week from today, or the Board decides to self-fund completely; seconded by Mr. Beck.

Discussion: Dr. Banks reviewed the options: Option 1 – Self-fund the project; Option 2: PAC’s suggestion to lease with Benewah County; or Option 3: Partially fund from the cash reserves, and borrow additional funds if needed from another source.

Dr. Banks agrees with Mr. Kirby that the project should get started soon.

Mr. Chadwell would like to tell T.W. Clark they are the apparent low bidder and that he will prepare the contract in a week, with a notice to proceed next Friday.

Call for the motion: All in favor; passed unanimously. Motion carried.

▪ **Alternates**

Mr. Peck presented the alternatives as reviewed by Jim Fenton, Mark Anderson and Jeanne Bock. They recommended that the Board not accept Alternate No. 1, the Builders Risk Insurance, since the district can provide that at little or no additional cost. Mr. Peck recommended that the Board accept Alternate No. 11, an emergency generator for \$31,000, as the St. Maries building is one of the most frequent building to lose power in our five counties.

MOTION: Mr. Kirby moved that the Board reject Alternates No. 1-10 and Alternate No. 12, and accept Alternate No. 11, the emergency generator for \$31,000; seconded by Dr. Banks. All in favor; passed unanimously. Motion carried.

Mr. Chadwell will draft the contract adding Alternate No. 11, the emergency generator, to the base bid.

Continuity of Operations – Essential Services Delegation – Doug Welch

Ms. Bock requests that the Board delegate authority to the director to sign the Continuity of Operations Plan.

MOITION: Mr. VanStone moved that the Board approve the Delegation of Authority to approve the Response and Continuity of Operations Plans as well as conduct initial activation of the plans; seconded by Mr. Kirby.

Discussion: Dr. Banks has not reviewed the plans and doesn't feel it is responsible to approve them if the Board doesn't know what they are. Mr. Welch reviewed the plans:

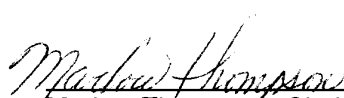
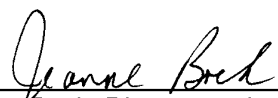
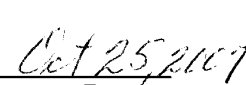
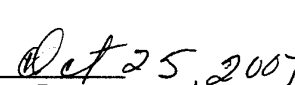
- The Response Plan is the first plan that describes how to mobilize and comply with the National Incident Management System.
- The Continuity of Operations Plan (COOP) prescribes how PHD would provide essential services in a disaster and how to do everything to preserve essential services.
- The Surge Plan prescribes how PHD will work with hospitals during pan flu.

Mr. Thompson called for the motion: All in favor; passed unanimously. Motion carried.

The next regular Board of Health meeting is scheduled for October 25, 2007.

There being no further business, the meeting adjourned at 3:45 p.m.

Adjourn

	
Marlow Thompson, Chairman	Jeanne Bock, Director and Secretary to the Board
	
Date	Date